

## Court of Appeals, State of Michigan

### ORDER

In re Parole of Frederick Wilkins

Docket No. 344426

LC No. 18-140703-AP

Colleen A. O'Brien  
Presiding Judge

Kathleen Jansen

Amy Ronayne Krause  
Judges

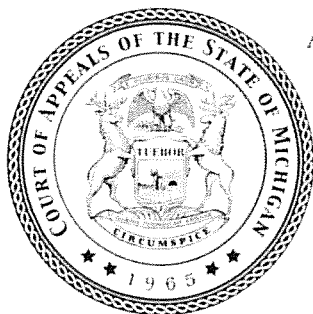
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The Court orders that the trial court's May 14, 2019, order after remand is **AFFIRMED**. After reviewing the hearing held by the trial court on May 1, 2019, and the trial court's opinion rendered from the bench, it appears that the trial court fully complied with its instructions and adequately addressed the evidentiary concerns noted in this Court's opinion. We decline to revisit issues that we decided in our prior opinion. We are therefore unable to find that the trial court committed clear error in determining, on this record and under the circumstances, that the Parole Board abused its discretion by granting Wilkins parole.

This order concludes this Court of Appeals file.

Jansen, J., having reviewed the hearing on remand, would reverse the trial court's May 14, 2019 order after remand denying Wilkins parole. I dissent because the trial court committed clear error in determining that the Parole Board abused its discretion by granting Wilkins parole. Wilkins served the minimum 30-year sentence for assault with intent to murder, MCL 750.83, which he committed against his wife after she initiated divorce proceedings. The circumstances of this crime were committed against Wilkins' wife, who is now deceased, rather than the public, so they are unlikely to be repeated. He voiced his remorse for committing this crime. On parole, Wilkins will be under the total control of the Michigan Department of Corrections. Under his Community Mental Health Aftercare Plan, he will be under 24-hour supervision in a Structured Independent Living facility, and have a curfew. He explicitly agreed on the record to take his psychotropic medication, and will be assigned a mental health care coordinator to assist him in receiving mental health services. The trial court's reasons for denying parole, namely the chance that Wilkins would leave the facility and fail to take his medication, are mere speculation. Should Wilkins fail to follow these requirements, he will be in violation of parole, and returned to prison. Thus, the Parole Board had a reasonable assurance that Wilkins "will not become a menace to society or to the public safety," MCL 791.233(1)(a), and there was evidence that arrangements were made for Wilkins's care due to his mental illness, MCL 791.233(1)(e). Therefore, the Board's decision was not "a clear abuse of discretion," or "in violation of the Michigan

Constitution, a statute, an administrative rule, or a written agency regulation.’ ” *In re Parole of Elias*, 294 Mich App 507, 538; 811 NW2d 541 (2011) (citation omitted); MCR 7.118(H)(3).



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

**JUN - 3 2019**

Date

  
Chief Clerk